EXHIBIT A

In the Matter Of:

SOCIAL MEDIA CASES,

JCCP5255

MOTION

November 10, 2025

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT SSC 12 HON. CAROLYN B. KUHL, JUDGE

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COORDINATION PROCEEDING SPECIAL TITLE [RULE 3.400]	CASE NO. JCCP5255
SOCIAL MEDIA CASES	CERTIFIED COPY

REPORTER'S TRANSCRIPT OF PROCEEDINGS

NOVEMBER 10, 2025

APPEARANCES:

FOR PLAINTIFFS:

KIESEL LAW LLP
BY: MARIANA A. MCCONNELL, ESQ.
8648 WILSHIRE BOULEVARD
BEVERLY HILLS, CALIFORNIA 90211

MORGAN & MORGAN
BY: JOSH AUTRY, ESQ.
199 WATER STREET
SUITE 1500
NEW YORK, NEW YORK 10038

MORGAN & MORGAN
BY: EMILY JEFFCOTT, ESQ.
220 WEST GARDEN STREET
9TH FLOOR
PENSACOLA, FLORIDA 32502

SOUTHERN MED LAW
BY: MARC J. MANDICH, ESQ.
2762 BM MONTGOMERY STREET
SUITE 101
BIRMINGHAM, ALABAMA 35209

(APPEARANCES CONTINUED ON NEXT PAGE.)

REPORTED BY: ESTRELLA HERMAN, CSR NO. 13865
OFFICIAL COURT REPORTER PRO TEM
JOB NO. 216262

APPEARANCES (CONTINUED):

FOR PLAINTIFFS:
BEASLEY ALLEN LAW FIRM
BY: JOSEPH G. VANZANDT, ESQ.
DAVIS S. VAUGHN, ESQ.
218 COMMERCE STREET
PO BOX 4160
MONTGOMERY, ALABAMA 36103

WAGSTAFF & CARTMELL LLP
BY: ADAM S. DAVIS, ESQ.
JONATHAN KIEFER, ESQ.
4740 GRAND AVENUE
SUITE 300
KANSAS CITY, MISSOURI 64112

THE LANIER LAW FIRM
BY: RACHEL LANIER, ESQ.
2829 TOWNSGATE ROAD
SUITE 100
WESTLAKE VILLAGE, CALIFORNIA 91361

SOCIAL MEDIA VICTIMS LAW CENTER
BY: GLENN DRAPER, ESQ.
600 1ST AVENUE
SUITE 102-PMB 2383
SEATTLE, WASHINGTON 98104

FOR DEFENDANT META:
COVINGTON & BURLING LLP
BY: ASHLEY M. SIMONSEN, ESQ.
1999 AVENUE OF THE STARS
SUITE 3500
LOS ANGELES, CALIFORNIA 90067

COVINGTON & BURLING LLP
BY: AMBER M. CHARLES, ESQ.
ONE CITY CENTER
850 TENTH STREET NW
WASHINGTON, D.C. 20001

FOR DEFENDANT SNAP INC.:
MUNGER, TOLLES & OLSON LLP
BY: FAYE PAUL TELLER, ESQ.
350 SOUTH GRAND AVENUE
50TH FLOOR
LOS ANGELES, CALIFORNIA 90071

FOR DEFENDANT TIKTOK:
KING & SPALDING
BY: MARK A. SENTENAC, ESQ.
1180 PEACHTREE STREET NE
SUITE 1600
ATLANTA, GEORGIA 30309

(APPEARANCES CONTINUED ON NEXT PAGE.)

APPEARANCES (CONTINUED):

FOR DEFENDANT TIKTOK:	KING & SPALDING BY: RACHEL YEUNG, ESQ. 633 WEST FIFTH STREET SUITE 1600 LOS ANGELES, CALIFORNIA 90071
FOR DEFENDANTS GOOGLE AND YOUTUBE:	WILSON SONSINI BY: LUIS LI, ESQ. CHRISTOPHER CHIOU, ESQ. 953 EAST THIRD STREET SUITE 100 LOS ANGELES, CALIFORNIA 90013

(ADDITIONAL COUNSEL OBSERVING VIA LACOURTCONNECT.)

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CASE NUMBER: JCCP5255
CASE NAME: SOCIAL MEDIA CASES
LOS ANGELES, CALIFORNIA MONDAY, NOVEMBER 10, 2025
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REPORTER: ESTRELLA HERMAN, CSR NO. 13865
TIME: P.M. SESSION

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THE COURT: We have the Social Media JCCP. The clerk has taken the appearances of counsel appearing by LACC. I'll take appearances in the courtroom, please.

MS. MCCONNELL: Good afternoon, Your Honor. Mariana McConnell, liaison counsel for plaintiffs.

MR. AUTRY: Good afternoon. Josh Autry for plaintiffs.

MS. JEFFCOTT: Good afternoon. Emily Jeffcott for plaintiffs.

MR. VANZANDT: Joseph VanZandt for plaintiffs.

MR. MANDICH: Good afternoon, Your Honor. Marc Mandich for plaintiffs.

MS. LANIER: Rachel Lanier for plaintiffs.

MR. DRAPER: Glenn Draper for plaintiffs.

MR. VAUGHN: Davis Vaughn for plaintiffs.

THE COURT: All right. We've got -- go ahead.

MR. KIEFFER: Jon Kieffer for plaintiffs.

THE COURT: I'm sorry?

MR. KIEFFER: Jon Kieffer for plaintiffs.

MR. DAVIS: And Adam Davis for plaintiffs.

MS. SIMONSEN: Good afternoon, Your Honor. Ashley Simonsen of Covington & Burling for the Meda defendants. And we do have a representative from Meta here today.

MS. CHARLES: Good afternoon. Amber Charles also on behalf of the Meta defendants from Covington & Burling.

MS. TELLER: Faye Paul Teller from Munger, Tolles & Olson for defendant Snap Inc. And we also have a representative here today.

MR. SENTENAC: Mark Sentenac on behalf of the TikTok defendant.

MR. LI: Good afternoon, Your Honor. Luis Li on behalf of Google and YouTube.

THE COURT: Okay. All right. You can all be seated.

There are a couple of matters raised in postings I'm prepared to discuss with you, but my preference would be to proceed with argument on the motions as agreed first unless there's a beg to do otherwise.

Okay. We'll start with the motions. So we have 14 motions on calendar today. They are motions to exclude expert opinions on various bases. In a Case Anywhere posting on November 5, the parties have agreed to argue motions pertaining to two experts and two plaintiffs and then present brief argument with regard to one aspect of Expert McCarron's report.

So we will proceed -- I'm assuming that you would -- well, let me just ask. It's defendants' motions. How would you proceed? You've indicated 25 minutes per side on the motions regarding Bagot and Murray. How do you want to proceed

with that?

MS. CHARLES: Your Honor, we would suggest proceeding together on those three motions because they have overlapping issues. I would intend to argue for approximately 20 minutes, and then Ms. Teller would argue for the additional five.

THE COURT: Okay. Is there any objection to that?

MS. JEFFCOTT: No, Your Honor.

THE COURT: Okay. Very good. You may proceed.

MS. CHARLES: Your Honor, with your permission, I do have some slides. I'd like to project those.

THE COURT: Okay. Make sure you don't have any -- either of the plaintiffs identified except by their initials.

MS. CHARLES: I do not have either identified by name given their age. I have initials.

THE COURT: Okay. Good.

THE COURTROOM ASSISTANT: Which side are you hooked up to? Oh, the podium.

MS. CHARLES: Yes. There's only one.

THE COURT: All right. We have now figured out how to display a PowerPoint. You may proceed.

MS. CHARLES: Thank you.

Good afternoon, Your Honor. Amber Charles on behalf of the Meta defendants. And thank you for your time here today. We know you're dealing with a lot of motions in this case, and we appreciate the opportunity to be heard on these specific cause motions given their importance to the case and the critical nature of the mental health harms at issue.

I will be discussing defendants' motion to

exclude Stuart Murray, Dr. Stuart Murray, in the R.K.C. matter as well as Dr. Kara Bagot in both the R.K.C. and K.G.M. matters. As I mentioned earlier, my colleague representing Snapchat will have additional argument related to Dr. Bagot.

Plaintiffs offer Dr. Bagot and Dr. Murray for the opinion that each plaintiff suffers from various diagnosable medical conditions, many conditions that are not present in any medical records produced in this case and have never been diagnosed by any treating physician but, instead, are diagnosed for the first time in these expert opinions. You can see these diagnoses here for R.K.C., in addition, in the case of Dr. Bagot, who is the sole specific cause expert in K.G.M. a similar diagnosis.

We've moved to exclude these opinions as unreliable on a number of bases that are laid out in our papers. Given time here today, we will stand on the papers for several of those arguments, of course, subject to any questions the Court may ask.

In particular, we have made certain Section 230-related arguments, effectively, that Drs. Murray and Dr. Bagot failed to distinguish between features and content in her arguments. We have also made the point that Drs. Murray and Dr. Bagot failed to conduct any independent, specific analysis and instead analyzed social media as a whole. Those are critical issues, but given I know Your Honor has heard them in a number of contexts, we will stand on the papers there subject to any questions and focus our argument elsewhere

today.

MS. MCCONNELL: Your Honor, I apologize, but the name is on the screen. The last name is on the screen on the left.

THE COURT: Okay. You'll have to take that slide down. Move on to the next.

Thank you, Ms. McConnell.

MS. CHARLES: Thank you for that. I apologize.

Turning to the substance of Dr. Murray's and Dr. Bagot's reports, there are four main points to address today. The first that runs through both reports is a fundamental methodological shortcoming that's common to Dr. Murray and Dr. Bagot. And that is that Drs. Murray and Bagot rely merely exclusively on their own report of recollected statements made to them by plaintiffs in the course of unrecorded, private interviews which no contemporaneous notes or transcript were provided. And what this creates, which is prohibited under California law, is effectively a black box analysis where Dr. Murray and Dr. Bagot are offering opinions that cannot be tested because the basis for their opinions is only their own recollection of what plaintiffs said to them.

And, critically, our argument is not that clinical interviews are per se improper, and our argument is not that there's any legal requirement for a verbatim transcript. Rather, as established by Onglyza and reflected in Smith, there's a fundamental principle underlying Sargon that in order to test liability, there has to be a common understanding of the inputs and the facts that are considered

by an expert. And that is necessary to determine whether the analysis of those experts' opinion are reasonable or whether there's too large a analytical gap. And it's also necessary to determine the reliability of their methodologies in terms of understanding whether they have cherry-picked data as opposed to offer a complete presentation of data.

For example, in the context of quantitative model, unless you understand what numbers were input and what numbers were excluded, you can't test the formulas. Now, plaintiffs say here, of course, that psychiatry is more qualitative, but that does not lessen the rigor that is required under Sargon. And so this sort of black box analysis fundamentally hides the bases for the opinions and prevents adequate testing. Both plaintiffs -- or both plaintiffs' experts acknowledge that they have proceeded in this manner.

THE COURT: So how would you proceed in a mental health case if there's not a requirement to record an interview?

MS. CHARLES: Well, certainly, you would --

THE COURT: More particularly, the question is what does the standard of practice for mental health practitioners require?

MS. CHARLES: Certainly, we believe at least comprehensive notes that provide a full assessment of all of the information asked and provided. Now, in a clinical setting, of course, practitioners typically take notes. But, here, in addition -- this is a forensic setting that's asking a slightly different question than in a clinical setting. Clinical experts may also be qualified to answer this; but, in

a clinical setting, you're asked to evaluate a treatment -- and establish a treatment plan. Here, they are purporting to opine on causation, and when purporting to opine on causation, understanding the inputs is critical.

So we -- our experts proceeded in a manner where we provided a verbatim transcript of our evaluations. Even if that is not required, certainly, comprehensive notes and all of the underlying testing data itself -- the raw data, not the expert's analysis of it -- is required.

Dr. Murray, for instance, he performed certain tests. And we asked, "Do you actually have the numerical scores of those tests?" And he said, "Well, I evaluated them; and, effectively, my report summarizes them. They became my report." But that's not the same as actually providing the underlying information.

Dr. Bagot is similar. We asked her, "Did you record?"

"No, I didn't record."

"Do you know if there's a transcript?"

"No."

"Do you have a list of the questions you asked?"

And she said, "Well, they're sort of reflected in the responses."

But her report also doesn't contain a list of responses. Her report contains, effectively, her opinions. So she took these inputs; she analyzed them; and then she provided an assessment of what she believed was important. But that's different than providing the underlying data as a whole. And

this effectively sets an opinion that is built on shifting sands. We cannot know the basis, so we cannot test the liability.

Now, one of plaintiffs' responses is that their reports are comprehensive, that anything in the report is effectively -- or anything discussed in this interview is effectively in their report. But we were able to identify in deposition multiple instances where that was not true, where there are instances where topics of all the key alternative cause topics such as K.G.M.'s experience with parental bullying, K.G.M.'s experience with siblings who underwent health issues, R.K.C.'s mother's disruption from the family due to an imprisonment -- we asked, "Did you discuss those?" And the expert said, "Yes, we did."

And we have reviewed their reports, and each time there's no reference to discussion of those potential alternative causes in the report. And that underscores here what we believe is indicative of cherry-picking that we cannot fully test given the black box nature.

The second issue I want to discuss is Dr. Murray and Dr. Bagot both use unreliable criteria to assess social media addiction. Now, we recognize, Your Honor, that you have already ruled that an expert who diagnoses a plaintiff with a disorder not recognized in the DSM-5, that is not sufficient basis alone for exclusion. And we do not intend to reargue that here, and we preserved that issue.

But what we would -- we don't read your order as indicating there's any sort of end run around the reliability

metric that underscores Sargon. Rather, when any expert diagnoses a medical condition, whether recognized in the DSM or not, it is critical that they use a reliable methodology to do so. And, here, both experts have failed to identify such a reliable methodology.

They indicated that they utilized scales and assessments that considered and borrowed from other substance use disorders such as gaming -- internet gaming disorder. Well, internet gaming disorder, as I'm sure Your Honor has heard, is not in the DSM-5. It's in an area of conditions for further study that specifically notes these proposed criteria should not be intended for clinical use. And so borrowing criteria that are not intended for clinical use and extrapolating them to diagnose an unrecognized disorder is not reliable. It's taking something that's not recognized as reliable and extrapolating it further.

This is indicative of the scales that plaintiffs' experts state they used. Dr. Murray used something called the Social Media Disorder Scale, the SMD Scale. But the SMD Scale itself is built on that same cross-reference to internet gaming disorder and other criteria that are not intended for clinical use.

Moreover, the manner in which these tests were applied is unreliable. They were completed outside of Dr. Murray's presence. You can see in the instructions social media is defined very broadly to include things like web blogs, forums, Twitter.

And, moreover, plaintiffs' response says, "Well,

there's also a second questionnaire that R.K.C. filled out about social media use." But that questionnaire is not diagnostic and does not purport to be diagnostic. It's a collection of self-reported symptoms.

Dr. Bagot's use of scales is similar. We asked for the testing instrument she applied. This on the screen is what we were provided. Now, there's four pages of this. It's a six-question test and then, for R.K.C.'s father, a 90-question test. These tests, again, were completed outside of Dr. Bagot's presence. She did not offer any common understanding to the plaintiff about how to define social media addiction.

Moreover, nowhere in her report is there any explanation of any methodology she utilized to validate or assess these results. In fact, when asked, "What scale should you use, and how many positive or negative answers do you need for a diagnosis?" she said, "I can't give you a specific number because there's many different scales that people utilize."

Remaining on testing instruments, there is a Dr. Murray-specific issue that I do want to raise to the Court, which is that he also misused testing instruments. And this is specific to Dr. Murray because he utilized additional tests that Dr. Bagot did not use. He utilized, for instance, an eating disorder examination questionnaire, the EDE-Q; the Social Media Use Scale, which is the self-report I referenced earlier; and at the bottom is a panic scale, what you use to diagnose anxiety.

Now, on the face of these instruments, they are

validated for a limited time period. When they were designed, the individuals who designed them put a limitation on their reliable use. You can see here, for instance, the EDE-Q is only intended to be used for 28 days; the Social Media Use Scale only for seven days.

Well, Dr. Murray appended a cover page when he provided these to plaintiffs, and that cover page told them expressly to disregard the intended validated use. He said, "Instead of basing your answers for symptoms over the last week or month, base them at the time of your maximum symptoms." In R.K.C.'s case, that was over a year prior. And this, again, violates Sargon because you are taking tests, and you are applying them in an unreliable manner contrary to expressly how they were designed to be used.

Compounding this is that although R.K.C. is 14, Dr. Murray applied, for example, an adult EDE-Q. And the response in plaintiffs' opposition is, "Well, he modified that adult test." But that doesn't solve the issue; it compounds it. So we have a test that was improperly applied retrospectively, improperly applied to an age group it wasn't validated for. And then we have on top of that this same black box issue of Sargon modifications that we don't know, that we cannot assess, and that there is no basis in the report for us or you to determine the reliability of it.

Plaintiffs' other argument is, "Well, these were only confirmatory. The tests were used to strengthen and confirm opinions. They were not -- there was also a clinical therapy done." Well, respectfully, again, Sargon doesn't

create an exception where you can use an unreliable methodology to support your opinions as long as there's something else. Presenting these test results to the Court would violate Sargon. They would give the imprimatur of expert reliability to tests that are used improperly and directly contrary to the instructions.

The final point specific to Dr. Bagot, in her reports, she expressly stated that she conducted a differential diagnosis. At her deposition when we asked, "How did you conduct that differential diagnosis?" she corrected herself and said, "I did not." She did something she called a mechanistic analysis, which, as far as we could tell in the deposition, effectively meant a clinical interview where she looked at the plaintiffs and she reached conclusions.

Now, in her deposition, Dr. Bagot said, "I recognize all of these alternative causes -- bullying, learning disabilities, familial strife, familial disruption -- I recognize that those have a role."

And so we asked her, "Can you tell us what is the breakdown? How do you quantify? How do you determine causation as opposed to something else, something short of that?" And she replied, "Well, in a clinical perspective, we don't give anyone breakdowns of how much anything caused the diagnosis."

In a clinical setting, that may well be appropriate. But, here, the question that Dr. Bagot intends to opine on to the jury is one of causation. And California law is clear that it is not enough to identify a slate of potential

causes and simply choose one. There has to be a reliable method, a differential diagnosis to rule out the other causes. And that's what's missing here.

We also asked her similarly, "How do you tell what is significant? You say social media had a significant impact, not, you know, short -- the other ones have a short list of impact, but there are alternative causes. Where is the dividing line? How do you reach that test?" And her answer is telling because she said, "What we think is a significant impact or what the person we're meeting with thinks has a significant impact, then I would say significantly contributes to something."

Well, that is fundamentally ipse dixit. That is, if I believe it to be significant or somebody tells me it's significant, then it is significant. And People v. Gonzalez, 59 Cal.App.5th 643 tells us that's not enough. Even a qualified expert cannot offer an opinion simply based on their ipse dixit, simply based on their say-so. And that is what's done here behind the -- in the absence of any differential diagnosis.

I do want to save some time for my colleague, so I'll stop here unless the Court has questions.

THE COURT: Okay. Thank you very much.

MS. CHARLES: Thank you.

MS. TELLER: Should I need to do anything to get that working? There it goes.

There's a little bit of depo testimony. That's the only thing I'm going to show you today, Your Honor. If it

doesn't work, that's fine. We'll just move on in terms of audio.

Good afternoon. Faye Paul Teller from Munger, Tolles & Olson for defendant Snap Inc. In addition to the arguments that Ms. Charles raised on behalf of all defendants, we wanted to spend just a couple of minutes on Dr. Bagot's opinions regarding Snapchat because we believe they should be excluded as improper speculation.

As the Court may recall, the objective data for the plaintiff R.K.C. is that he used Snapchat for 3.8 minutes total prior to filing a suit. Plaintiffs' expert Dr. McCarron validated that number, and Dr. Bagot conceded in her deposition that five minutes of lifetime usage is not sufficient to cause R.K.C. the injuries he alleges -- compulsive use, depression, anxiety, and binge eating disorder.

(Video recording played.)

MS. TELLER: Dr. Bagot did not consider that data in forming her opinions. That is the case even though she had to concede the duration of access to the platforms is at least a factor in assessing addiction. You'll see that at page 607 of her deposition.

So what evidence did Dr. Bagot rely on about duration of usage to make her diagnosis? In her report, she stated that R.K.C. reported Snapchat usage of eight hours a day. That's in paragraph 30 of her report. But when shown that report -- the deposition testimony that was cited there, which was to R.K.C.'s deposition, she conceded that she had miscited that information and was not able to offer any other

evidence that plaintiff had used Snapchat for eight hours a day at any point.

Instead, Dr. Bagot apparently relies on vague statements from R.K.C., for example, that he used friend's phone at lunchtime and that accounts for sufficient usage to make her diagnosis. That's at page 649 of her deposition.

This isn't just a black box as it refers to Snapchat. There's just zero information we have from Dr. Bagot demonstrating the usage that is alleged to have caused his injuries here. The notion that she could conclude that R.K.C. became addicted to Snapchat based on this, on these nonspecific statements such as his friend's phone, is pure speculation; and we do not believe it is a valid basis for an expert opinion about addiction.

Instead, these opinions are result-driven -- results-driven. Dr. Bagot ignores all objective evidence about plaintiff's usage that is contrary to her conclusion and relies entirely on plaintiff's own self-serving vague statements during an interview that was not recorded, not transcribed, and for which there are no notes. Dr. Bagot's refusal to consider the objective data and disavow her opinions that Snapchat caused or exacerbated plaintiff's injuries only proves her opinions are nothing more than seeking to support the results that she is looking for.

For these reasons, Snapchat asks that the Court exclude her opinion as to R.K.C. Thank you.

THE COURT: Thank you.

All right. I'll hear from plaintiffs now.

MS. JEFFCOTT: May it please the Court, Your Honor, my name is Emily Jeffcott, and I'm here on behalf of plaintiffs R.K.C. and K.G.M.

In denying defendants' motions for summary judgment last week, Your Honor found a triable issue of fact as to specific causation among other things. And in doing so, Your Honor relied on the plaintiffs' own testimony and, in some instances, tied it to general causation opinions that this Court had previously deemed reliable.

Now, the issue today is whether the specific causation opinions of Dr. Bagot and Dr. Murray meet the Sargon standard. And we respectively submit that they do.

So what is the Sargon standard? And I think it's important to point out that, under Sargon, an expert must employ the same level of intellectual rigor, use the same methods that are accepted in their professional discipline. And, here, Dr. Murray and Dr. Bagot are both qualified -- extensively qualified in the field of adolescent psychiatry, and they followed the same approach that they use in their normal clinical practice.

Now, Dr. Bagot evaluated R.K.C. and K.G.M., whereas, Dr. Murray only evaluated R.K.C. And as part of this evaluation, they interviewed the plaintiff and the plaintiff's caregiver. They also reviewed their depositions. They reviewed the depositions of their mental health providers, other treaters, and family members. They also reviewed records -- medical records, school records, and certain other records ordered by defendants -- and they applied diagnostic

tools.

Now, drawing on all of that information, they assessed the plaintiffs' symptoms, identified and ruled out potential diagnoses, and then evaluated the causes and contributing factors underlying the plaintiffs' condition.

Now, from this, both Dr. Murray and Dr. Bagot concluded that R.K.C.'s usage of defendants' platforms, and specifically his usage of certain features of defendants' platforms, caused him to become addicted to social media. And, from this addiction, he began to suffer other mental health harms like sleep disturbances, anxiety, depression, body -- binge eating, and suicidal ideations.

Now, with respect to K.G.M., Dr. Bagot similarly concluded that K.G.M.'s usage of certain features on defendants' platforms caused her to become addicted to defendants' platforms, and that also caused her other mental issues -- sleep disturbances, anxiety, depression, and body dysmorphia.

Now, defendants raise a number of criticisms of these opinions, and I'm going to start with the black box. Despite what defendants say, the black box theory is essentially that these experts needed to record or transcribe their interviews, otherwise they're deemed unreliable. But, again, Sargon only requires that experts follow a methodology accepted by the professional discipline.

And, here, defendants don't dispute that these experts followed their standard clinical practice in how they conducted these interviews. And so defendants argue that, in

litigation, these clinicians must deviate from how they normally do things from their accepted practice and transcribe these sessions with plaintiffs. But that is not what Sargon requires. And none of the cases that defendants cite support imposing this new elevated standard.

All but one of these cases are, on their face, easily distinguishable. In Gonzalez, the gang expert had no evidence tying the robberies to gang affiliations besides his own say-so. Onglyza is a general causation case. Hutchinson involved an expert who tried to calculate a person's height based on video stills using a process nobody had ever evaluated. That's a black box.

Now, the only case that's marginally relevant is Amos v. Rent-A-Center, which is a nonbinding Florida decision. But the problem wasn't just the absence of a transcript. It was the expert's wholesale lack of a methodology, which she acknowledged. She took no notes of her interviews with the plaintiffs, failed to interview other family members about whether or not the plaintiffs had harm, didn't review any collateral records, ignored alternative causes, and wasn't really even qualified to render the expert opinion in the case. That's nothing like what we have here.

Dr. Murray and Bagot follow the same methodology they used in seeing patients. Furthermore, their reports are detailed and specific. They're filled with symptom histories. There's a timeline; there are summaries of interviews; there's quotes from the interviews.

Defendants' claim that they can't tell what

questions were asked is simply not credible. The reports make the scope and substance of these evaluations unmistakably clear. And defendants also had hours upon hours to question these experts about the opinions and about what was said in these interviews.

Now, moving to expert-specific issues, I'm going to start with Dr. Bagot. The primary argument raised by defendants is that she disclaimed doing a differential diagnosis. This is incorrect and really a matter of semantics. And regardless of what you call it, it was reliable.

So let's go back to what she said in her deposition. What Dr. Bagot explained is that the differential diagnosis represents the outcome of that diagnosis. It's the sheet of paper that has the diagnosis listed on it. It's the psychiatric conditions that best fit the plaintiffs' presentation after others have been ruled out.

And she specifically noted that causation is not addressed on the differential diagnosis. It's that sheet of paper that lists out the diagnosis. The causation is addressed through what she refers to as a mechanistic analysis that evaluates the mechanism of the disease by looking at the interviews with the plaintiff -- or the patient, the patient's caregivers, reviewing the records, and assessing the contributing factors.

Now, at the end of the day, it doesn't matter whether you call this a differential diagnosis or a mechanistic analysis. What matters is that she applied a reliable, accepted approach to evaluating plaintiffs, and she did that

here.

Now, defendants also argue that her differential diagnosis was flawed because she failed to identify in her report certain alternative causes, that she didn't take them from the -- excuse me -- that she didn't take them from the interview. But that too is incorrect. They reference the alleged domestic abuse in the home. They also reference her sister's psychiatric issues. Those are discussed and identified in the report. She also, for both K.G.M. and R.K.C., say that she used a circular logic to identify what the contributing factors were and what was substantial.

But I think context is important in that circumstance. And what defendants were asking of her in her deposition wasn't about substantial contributing factor and how it applies across the spectrum of factors. What they were asking her was to quantify. They were saying, "Can you look at any one of these factors and tell me what percent applied to a diagnosis?"

But there's nothing under Sargon or its progeny that requires her to do that. That's not what psychiatrists do. They don't say a learning disability is 2 percent of the reason a patient has depression. And as Dr. Bagot put it, "That's just not what we do in psychiatry."

Defendants next argue that Dr. Bagot's opinions are unreliable because social media addiction is not listed in the DSM, and the bases for her criteria were derived from the DSM, and that that is clinically unreliable. Your Honor previously addressed this. And in finding that with respect to

general causation opinions that her reliance on the DSM was appropriate, or the lack of a DSM diagnosis of a social media addiction was appropriate, Your Honor pointed out that there is not a single case that says that for there to be causation, it has to be identified in the DSM.

Now, defendants have had another opportunity to identify such a case, and they haven't. And that's because one doesn't exist. And that's because the DSM and the ICD are guides. They're not the end all, be all on how to diagnose a patient.

Now, opposing counsel referenced other scales that Dr. Bagot used, and that's referencing the Bergen Facebook Addiction Scale. And the way that she applied it -- she did it verbally. She didn't hand out a checklist -- and applied those -- she gave those slides to opposing counsel as an example. And she did it verbally and incorporated the answers into her report as she was going through each factor of addiction.

Now, Snap's counsel brings up data usage, and they say that Dr. Bagot's opinion is unreliable because she acknowledges that five minutes of total usage of Snapchat is not sufficient. But, again, Dr. Bagot did not rely on defendants' data for a reason. And there's two reasons. One, she's not a data expert, and she acknowledged that and that she relied on plaintiffs' own data expert who said their data is incomplete. It's not -- it's not the totality of what we look at.

And the second and equally important thing is

that that's not what she does in her standard practice. She doesn't rely on data from defendants. That's not what she has access to. And, more importantly, she doesn't rely on it because it's not important to her. She relies on what the patient, their family, their records, and their treating patients say about usage patterns and effects.

And she explained this at her deposition. She testified that quantitative data doesn't add much because what clinically matters is how and when the platforms are being used. And how she gets about that with a patient is that she asks them, "What time of day are you using it? Are you using it at night? Before you get up in the morning? At school? When you get home from school? Right before bed?"

That's the type of information that matters to her because that assesses the impact on life. So raw data numbers, they don't provide her the information that helps her diagnose and treat patients. And she did the same for plaintiffs here.

Now, defendants argue that, essentially, Dr. Bagot just paired what R.K.C. and his father said about his usage, that the number they stated in the interview, eight hours, is somehow unreliable. But, again, she evaluated R.K.C. and his father for malingering. That was part of her analysis. And Dr. Bagot also corroborated her findings.

In their brief, defendants imply that Dr. Bagot didn't review the testimony of Makayla Fedd. Well, in her report, she identified that she did review the deposition testimony of treatment providers, and on her materials review

list is included the testimony of Ms. Fedd. And Ms. Fedd is R.K.C.'s treating therapist. And she also cites to exhibits from Ms. Fedd's deposition in her report. That is something she considered and she used to corroborate her findings.

Now, turning to Dr. Murray whose opinions only relate to R.K.C. They also take issue with his differential diagnosis saying that he failed to consider alternative causes. But he did so. He looked at each and every one and identified the basis for which and how they apply to his overall psychological well-being, and he weighed them. And, here, the issue is that defendants are simply unhappy with his conclusions. But that's not a proper Sargon challenge. That goes to weight, not to reliability.

Now, defendants also claim that Dr. Murray's opinion is unreliable because he didn't rely on plaintiff's data usage. But just like Dr. Bagot, he's not a data expert; and he acknowledges such. He relies on what he typically does in his practice. He uses the interviews, the records, the collateral information, not defendants' data.

In their briefing, they imply that Dr. Murray did not evaluate R.K.C. for malingering. But he did, and he said, "I'm trained to do this. I'm trained to assess malingering." He explained that R.K.C. was difficult to draw symptoms from. He was not somebody that was eager to exaggerate or dramatize his condition and that, to the contrary, he was worried and concerned about not wanting to burden his family with his condition. He too also corroborated what he saw with evidence from the record and Ms. Fedd's testimony.

Now, diagnostic tools -- defendants raise the same argument as they do with Bagot with respect to DSM and ICD. And I won't repeat the argument that I raised earlier, but I will acknowledge that Dr. Murray at his deposition testified that he regularly diagnoses and treats conditions that are not formally listed in the DSM, and he does so when the clinical presentation and the research literature support doing so.

An example of a DSM diagnosis that didn't occur until much later is PTSD. That wasn't added to the DSM until years ago, but nobody disputes that PTSD has been around for decades and decades.

Now, with respect to other social media scales that he used, defendants claim he overrelied on them. And I want to be clear -- and he explained this -- these tools served as adjuncts to his interviews, a way to cross-check and contextualize what R.K.C. and his father reported. He would conduct the interview and look at the scales and see if there were any discrepancies. He did not diagnose R.K.C. based on the scales. He also didn't misuse these scales.

Defendants claim that certain scales were not appropriate to use with R.K.C. because he's not an adult. But the literature says you can use them with someone that's R.K.C.'s age, and Dr. Murray would have said the same had defendants asked. There is a dispute here, and this is the type of dispute that defendants can raise during their cross-examination of Dr. Murray.

And, Your Honor, with that, the issues raised by

defendants are not true methodological challenges. Dr. Bagot and Dr. Murray followed standard methods and did so at the same level of intellectual rigor demanded in their field of psychiatry. Thank you.

THE COURT: Thank you.

MS. CHARLES: May I respond briefly?

THE COURT: Three minutes.

MS. CHARLES: Thank you, Your Honor. First, on the point about the same methodology and clinical practice, Sargon does require that an expert offer a candid assessment of the facts considered and a way to test their opinions. What the analysis that was done by Drs. Murray and Dr. Bagot here consist of is offering a causation opinion, which is not something they do in their normal practice. Dr. Bagot said as much.

And so, here, where they are answering a different question, utilizing the fact that they may not record clinical interviews does not answer the question as to whether they have provided a sufficient basis for this Court to assess whether they candidly made the evidence. And the cases that we cited found when there was a lack of that testable data, that reliable data, you could not let an expert offer that opinion under Sargon.

The black box here prevents us from knowing whether the experts have cherry-picked. They certainly say in their reports and in their depositions, "I didn't cherry-pick," but there's no way for us to know because we have no basis to go back to and look at the full picture. And Sargon certainly requires that you cannot simply ignore data that you don't

like. You cannot simply choose to not put it in your final report.

And opposing counsel indicated things like familial bullying, the sister's suicide attempt, the mother's incarceration are in the reports. Respectfully, I have not found them in any of the reports. I've looked several times. We cited this in our papers. I don't believe counsel provided any paragraph that references them, so I do not think that's correct. I think those are examples of places where plaintiffs' experts acknowledge that they talked about things with these plaintiffs but did not provide a comprehensive assessment.

Specific to Dr. Murray --

THE COURT: Ms. Jeffcott did offer paragraphs of the report. Ms. Jeffcott did offer paragraphs of the report for both -- for the analysis of both plaintiffs.

MS. CHARLES: Correct. There are paragraphs that purport to discuss alternative cause. I'm sorry if I was nonspecific.

I believe Dr. Murray does not reference in his report specifically the incarceration that he says he spoke about, and Dr. Bagot does not reference the sister's suicide attempt. So that -- those are examples.

But, yes, Dr. Murray, for example, does have three paragraphs, paragraphs 127 through 129, that comprise his entire section on purported analysis of alternative causes. He does identify some alternative causes there. He doesn't provide any assessment of why he chooses to disregard them other than his saying, "I don't think they had an impact." But

you are correct, they are there.

Briefly on his scales, there is an adolescent version of the EDE-Q. The EDE-Q used is not validated for individuals under 16. Dr. -- R.K.C. is 14, and Dr. Murray had him apply it retroactively to an earlier age. I don't believe Ms. Jeffcott said that that is a way that he utilizes that test in clinical practice. And if that is a way that he utilizes that test in clinical practice, I don't believe that makes it acceptable where the study -- as it's designed, the tool is not intended for that sort of use.

And Ms. Jeffcott also said those scales were used to corroborate. Well, "used to corroborate" means they were part of his methodology and their unreliability. It means they should not be presented to the jury in that manner.

We would ask that you exclude Dr. Bagot and Dr. Murray's opinions on specific causation in R.K.C. and, in the case of Dr. Bagot, K.G.M. Thank you for your time.

THE COURT: All right. Thanks very much.

Okay. Let's move on, then, to the specific TikTok argument with regard to expert Meredith McCarron.

MR. SENTENAC: I also have a handful of slides. May I approach, Your Honor?

THE COURT: Not in the well.

MR. SENTENAC: I'm sorry?

THE COURT: Not in the well. Go that way. Give it to Ms. Miro.

Okay. I have them. And if you can plug in, that's fine. Otherwise, I have it in front of me.

MR. SENTENAC: And if -- is it okay to post the slides, Your Honor?

THE COURT: Yes, you may.

MR. SENTENAC: Thank you.

THE COURTROOM ASSISTANT: I don't think you're plugged in.

MR. SENTENAC: I'm sorry?

THE COURTROOM ASSISTANT: There you go.

MR. SENTENAC: Sorry about the technical difficulty.

THE COURT: It's okay.

MR. SENTENAC: Mark Sentenac on behalf of the TikTok defendants. Thank you for the time to be here today, Your Honor. We wanted to appear even briefly to emphasize a very important issue specific to TikTok.

And this is why we are here. In particular, this is a slide plaintiff showed you at the October 28 motion for summary judgment hearing. And they would like Ms. McCarron, plaintiffs' data analysis expert, to offer opinions supporting this slide regarding the number of interactions that plaintiffs had on the TikTok platform.

But these numbers are fundamentally wrong. And it's not a matter of cross-examination or a difference of opinion or a battle of the experts. These numbers resulted from fundamental errors in Ms. McCarron's processes, and it would be deeply, deeply prejudicial to allow plaintiffs to display them in an opening argument or to allow Ms. McCarron to offer those opinions to the jury at trial.

As you can see -- let's just take a brief step

back. Ms. McCarron would like to offer the opinions that TikTok's time spent data, separately produced data is inaccurate because it doesn't track the number of interactions the plaintiff had on the platform and offer raw totals like we saw in the last slide regarding the number of interactions that plaintiff had on the TikTok platform.

But Ms. McCarron made massive error in calculating the number of interactions underlying this. As you can see here, she counted -- double counted data related to the very same interaction type. For example, a video view --

THE COURT: You say, "as you can see here." I don't -- walk me through this.

MR. SENTENAC: What's displayed here are interactions data that were produced to the plaintiffs in this litigation. And there are a number of different categories of data that were produced, including a number of data related to video views, interactions that Ms. McCarron calculates in coming up with that total number on the first slide -- likes, messages, shares, and, in this case, a video view.

THE COURT: It's Greek to me. If you want me to understand it, you need to walk through line by line: "Okay, let's look at the IP session history. What this is trying to show is X." I --

MR. SENTENAC: Thank you, Your Honor.

THE COURT: I've never seen -- okay.

MR. SENTENAC: Yes. No, no, no. Thank you very much.

The very top of this screenshot is a copy of Ms. McCarron's backup data that was produced to us prior to her

deposition, and it identifies the snapshot data that she used to calculate the number of interactions by plaintiffs on the TikTok platform. And as you can see here, there's IP session history which shows a date stamp related to the date in which the interaction occurred, an IP address, and the country. And you can see at the exact same time on the exact same day to the second, there's also metadata produced related to a video.

That's the public, private, and deleted videos. And it identifies a video by a serial number, a unique identifier related to a video at the exact same -- on the exact same day at the exact same time at the exact same second. And then below that is the video IP again, a related video interaction data related to the exact same video with the exact same video ID, unique identifier, happening at the exact same time on the exact same day at the exact same second.

And you can see that the IP session history, which is data reflecting metadata related to the user's section on the platform, matches exactly the video IP for the exact same time ending. And in calculating her interactions, as Ms. McCarron testified at her deposition, she counted all three of these as separate interactions in calculating the number of interactions plaintiffs had on the platform.

And the same is true next. There's a different type of video interaction data. This is video browsing history. At the top is Ms. McCarron's backup data reflecting what she included in calculating the number of interactions on the platform. And below it, you see the same date time stamps at the exact same time for a video play.

Does that help clarify things or --

THE COURT: What does IP stand for?

MR. SENTENAC: Internet protocol.

THE COURT: Internet --

MR. SENTENAC: Protocol. Protocol.

THE COURT: Protocol. What does that mean, internet protocol session history?

MR. SENTENAC: This is data -- this is metadata related to an interaction on the platform. This is the data we're talking about. I know it's been discussed at very ambiguous high levels about what it is that the user data --

THE COURT: I'm asking you to explain it to me.

MR. SENTENAC: That's right. But in the nitty-gritty for the interaction data --

THE COURT: That's what you're asking me to look at here is the nitty-gritty to see that there's double counting, so you have to help me understand what these things are.

MR. SENTENAC: Absolutely. And so this is -- this is metadata related to an individual user's session on the platform, metadata related to the public, private -- this is a user's video, and then video IP is what -- an IP address that is an identifier for a device that is -- or the internet protocol's an identifier related to the user that used the device. So that's why they match. The IP session history and the video IP match.

And I think the most telling thing about all of this, besides the exact same video identifier matching and the -- is the date and time stamps. These are -- this is the

same account for the same user with something being counted three times despite happening at the exact same second.

And perhaps I can simplify this even more, Your Honor, which is we asked Ms. McCarron at her deposition if she knew what IP session history was; what public, private, deleted videos -- what these interactions are and whether she knows if what these three events are showing are the same interactions by a single plaintiff. And if you'll excuse me, I'll skip ahead one slide.

She doesn't know. She doesn't know. She included everything after, perhaps, looking at some exemplar data deduplicating it only based on the title of the document that was given to her, according to her testimony, and she doesn't know what was actually disclosed in the documents that were provided her. She's not an expert in device data as you can see next to her. She doesn't understand the details of these things either.

And notwithstanding that, she was -- they would like plaintiffs -- plaintiffs would like her to be able to come to the jury and explain how many times plaintiffs interacted with the platform. And I submit to Your Honor that the events we showed in the previous slide all happening at the exact same second, at a minimum, are highly indicative of duplication or triplication. But it doesn't really matter because the reality is Ms. McCarron's speculating.

And this is important. It fundamentally impacts her opinions, Your Honor. She would like to offer the opinion, like I said, that the time spent on the data is inaccurate

because it -- the interactions doesn't track the time spent data that TikTok produced and the raw -- the raw numbers of course. Of course, if she is double and triple counting those things, it will massively impact how the time spent data the TikTok defendants produced relate to the interactions and, of course, it would substantially inflate the number of interactions a plaintiff had on the TikTok platform.

As you can see in the next slide here, we roughly estimate that Ms. McCarron's numbers -- although we've never been produced the details of all of how she arrived at some of these things, we roughly estimate at least a 40 percent error rate, that she's inflated her numbers by almost 40 percent just considering this duplication issue, which again, of course, would be substantially -- it would be very prejudicial to allow her to produce such incorrect numbers.

THE COURT: What's the correct number?

MR. SENTENAC: It -- I don't have that here today for you, and I'm sorry. But Ms. McCarron hasn't presented how she arrived at those numbers to us, and I don't -- so I don't have -- I don't have a basis to say what the exact right number is according to her methodology.

The last thing I think is important to understand is this doesn't -- this number doesn't reflect the number of other errors we highlight in our briefing, including -- not including certain time spent data, double counting certain time spent data, including messages received that didn't include, you know, an interaction by the plaintiffs themselves with the platform. There's a number of other foot faults that

Ms. McCarron made that also leave her opinions unsupported.

And just to go back to the -- skip ahead to this slide again, I do think it's important to emphasize the fact that she doesn't -- she admits she's not an expert in device data. So Ms. McCarron does not have the requisite foundation or the requisite expertise.

THE COURT: If I may. Again, excuse me if I'm off base on this, but the slides that you presented with the charts on it, that's not device data; right? Device data is -- you're using that to mean iPhone data; right?

MR. SENTENAC: Well, to be clear, I -- this is all device data. This is an application on someone's phone that is transmitting data back to TikTok. And the interactions between TikTok servers and someone's device is device data.

That's -- I don't understand -- but, plainly, Ms. McCarron is not an expert in that, and I think the errors that -- the really significant, fundamental, and prejudicial errors reflect that. And we would respectively request that Your Honor exclude her opinions, grant defendants' motion, particularly as to TikTok defendants.

And that's all I have unless you have any other further questions.

THE COURT: Thank you.

MR. MANDICH: Good afternoon, Your Honor. Marc Mandich for the plaintiffs. And I would also like permission to publish some slides, although in light of my targeted time, I don't know that I need them; but in the event I do and have time for them, do I have the Court's permission?

THE COURT: Sure.

MR. MANDICH: Thank you, Your Honor.

So with all due respect to my opposing counsel, he's very confused on the points he's arguing. Your Honor was correct, device data is a separate subject entirely, and -- oh, I haven't plugged it in yet. Sorry. Device data and her admission she's not an expert in device data is entirely unrelated to the interactions, and the defendant produced data that she analyzed primarily. So Your Honor was entirely correct about that.

Another thing I'd like to point out is the two arguments that TikTok had indicated they wanted to argue today, only one of them was argued to you. Conspicuously absent from their argument was their point about her supposed error in using UTC instead of the plaintiff user's local time zone. You didn't hear about any of that for a reason.

I don't know if TikTok looked into this before they made the argument or if they were just trying to play gotcha, but Ms. McCarron did go back after they made that representation to this Court, and the number of errors jumped from 15 percent -- over 15 percent to over 20 percent when she put in the plaintiff user local time zones.

The other points my opposing counsel made --

THE COURT: What error rate?

MR. MANDICH: The number -- the number of actions outside of sessions. So if -- I'll use the slide for this. I'll skip ahead a little bit. Give me a second.

THE COURT: So the number of actions that she identified

outside of session increased when she put in the correct time zone?

MR. MANDICH: Yes.

THE COURT: What your representation is, is that in the opposition to the motion?

MR. MANDICH: Your Honor, in the opposition, we didn't have that in there because TikTok had never clarified that the proper time zone used was plaintiffs' user local time. We had gotten contradictory information from TikTok on that.

Through months and months of meet-and-confers, as this Court is well aware, the data analysis has been a mess because defendants have not been forthcoming with information. In this case, it was contradictory information we got from TikTok earlier which was -- as the other defendants, UTC is the appropriate time zone to use.

On the first point on the double counting, Ms. McCarron asked and participated in meet-and-confers -- and my slides aren't coming up, but that's no matter -- for a data dictionary for definitions of what their categories are. Because much like it was to Your Honor, TikTok's categories are not just readily apparent and including data analysis. The data dictionary was required to interpret another data company's definitions and terms for what they use. They were not forthcoming with that information, and then they played this gotcha game over double counting.

Events IP data was also not duplicative of video browsing history, which is the two categories they talk about. I do not know why this is not working. But in the case of

R.K.C. --

THE COURT: Well, I have -- I have your slide if you want to reference.

MR. MANDICH: Yeah. The second slide, Your Honor. In their brief, they suggest these data points are identical. For R.K.C., we had video views totaling 115, and his events data was over 18,000 events. And if you -- if you then take that argument and surmise, "Okay. Well, they meant that events is inclusive of video use," you need to define that.

THE COURT: Okay. I get that. But defendants are talking about total time spent on the -- on TikTok; right? That's the argument that was presented today.

MR. MANDICH: I apologize. I'm not following. Could you ask me again, Your Honor? What was your question?

THE COURT: So as I understood defendants' argument, they were arguing that Ms. McCarron had counted the number of interactions --

MR. MANDICH: That's right.

THE COURT: -- and had said that there were 385,000 plus interactions and that she had double counted; right? When you address her information that she provides -- or her opinion that she provides about events that took place outside of the time when TikTok's data showed that she was in a session, that's a different issue.

MR. MANDICH: That is, Your Honor. She has multiple --

THE COURT: Thank you. I'm not -- I'm not a total idiot.

MR. MANDICH: No, not at all, Your Honor. I promise you, I am more of an idiot about data than probably anyone else in

this room. That's why we have experts for it.

But the point I wanted to make about the double-counting issue, which --

THE COURT: What is the double-counting issue in your lexicon?

MR. MANDICH: So they claim that the events IP data is duplicative of the video browsing history data that they provided.

THE COURT: Okay.

MR. MANDICH: All right. And in R.K.C.'s case, as you see on that second slide, that's clearly not the case. He has 115 video views, as I've highlighted there, and over 18,000 events IP data.

And so if we were to assume then that events IP is inclusive of video use, it includes other events, other interactions besides those and she double counted 115 for R.K.C., well, still, we're scratching our heads and saying, "TikTok, explain this," as we did in meet-and-confers because if you look at K.G.M.'s it's the reverse. If video views are included within events IP, then video views should be less than events IP as it is for R.K.C. In K.G.M.'s case, you have substantially more video views than events.

So this is just another factor pointing to the unreliability of defendants' data -- of TikTok's data, specifically in this case. It's inconsistent across the plaintiffs. And it doesn't make logical sense, which is ultimately what Ms. McCarron's point is. There are very logical, provable inconsistencies in their data that call into

question the reliability of their data gathering at the individual user level. Also, the initial slide my opposing counsel shared was not Ms. McCarron's math. That was -- that was counsel's math, but that's neither here nor there.

They also criticize -- I think I heard my opposing counsel criticize her for having too few examples. The cherry-picking -- in the argument you just heard, they cherry-picked two or three examples that I think my opposing counsel kind of struggled to explain to Your Honor. They don't show the tens of thousands of errors.

But even if they had, if we looked at Slide No. 3 -- and then I'll point you to one more after that -- there are multiple factors in Ms. McCarron's analysis that their arguments here do no violence to.

On Slide No. 3, the video views are the little blue piece. And if you were to ignore that, you still have portions where there's zero time spent with interactions, portions where there's very high time spent with no video views or events, increasing interactions with falling time spent, and principally many interactions with videos with apparently no videos viewed, a logical and provable impossibility since TikTok's a video-viewing platform. It opens to a video when you open the app.

If you look also at my Slide No. 9, another opinion that their arguments here do no violence to, this is within one data set. There's no cross-comparison here. This is TikTok's session data. And in all of these you see -- if you're looking at it and you look to the left where I've

highlighted "Session End Action Type," that other highlighted column next to "Action," it says "Session End," the only thing you should see there is "Session Start." You can't end the session you didn't start.

There were also, she pointed out in her report, hundreds of thousands of times you had session end and then activity on the platform -- likes, comments, shares, other interactions -- long before another session started. All of those are provable errors that make the data fundamentally unreliable, as Ms. McCarron testified.

So in addition to that, if you look at Slide 7, another opinion that they haven't touched on here, TikTok more so than any of the other defendants, have very short retention periods for their time spent in sessions data and notifications, all starting for R.K.C., K.G.M. and plenty more, in 2022, '23, and '24. K.G.M.'s use started in 2016 -- what? -- eight years before the earliest event -- six years before the earliest event. R.K.C., five years before the earliest event.

And these are not just missing -- these are large chunks of missing time from their usage that make their data unreliable to give a picture of their usage over their relevant time periods. It's also the critical time periods when they were young and when they were injured by the platform.

So for all of those reasons that they don't touch here, Ms. McCarron's opinions are reliable; and matters that my opposing counsel brings up are matters for cross-examination. They want to cherry-pick and play gotcha with supposed errors

in her analysis that do not affect the reliability of her methodology. Her methodology was endorsed, actually. They don't like to, and they try to skate out of it, but all of defendants' experts endorse that data validation is a critical part of data analysis. It's a necessity first step.

That cross-comparison of complementary data sets is a valid and reliable methodology for doing data validation. One of them actually did the same kind of analysis comparing the DFCs to the snapshots. The others use the comparison that defendants argue is inapt; they compared DFS to device data. They weren't experts in device data either. You don't hear them arguing that they should be excluded on that.

THE COURT: Okay. Let's go back to defense counsel's second substantive slide, the -- the third slide in their deck. Do you have a copy of that?

MR. MANDICH: Yes. Are you talking about the 145,000 duplicated interactions?

THE COURT: No, sir. I'm talking about the one before that.

MR. MANDICH: Okay.

THE COURT: It says, "Ms. McCarron double counted tens of thousands of interaction."

Okay. Is IP session history and video IP the same thing?

MR. MANDICH: I don't know the answer to that, Your Honor. What I -- what I do understand them to be saying in their brief is that either video browsing history -- you see browsing history and events IP data are identical or

duplicative categories or that events IP data is inclusive of all of the video browsing history and that was duplicative. That's what they argue in their brief. And the second part of that is an implication I'm taking from it because it's not entirely clear.

And much like -- it's understandable Your Honor has questions about what these categories are because they were not defined to us either, and opposing counsel can't define them here today. So someone looking at this, you can't -- a data analyst expert looking at this -- you can't assume that the producer of the data is producing duplicative data to you. That's why she asked questions, and she didn't get answers to it over months and months of meet-and-confers over this, and now we're here playing gotcha about it.

But even if we put that aside, Your Honor, as I noted, this is a matter for cross-examination. Supposed errors in her analysis do not touch the reliability of her methodology, which is what the Sargon issue is. They don't approach that. They can't because their defendants endorsed it -- I mean their experts endorsed it, Your Honor.

And so that's all I've got to say.

THE COURT: Okay. Very good. Let me ask defense counsel a question here if I may. Okay. So if you would look at slide -- plaintiffs' Slide 3. Okay? So this -- as I understand it, this purports to be activity on the device at a time when the sessions data would show the person was not on the device. Is that how you understand it?

MR. SENTENAC: My understanding is this is what -- Mark

Sentenac on behalf of the TikTok defendants. My understanding, this is one of Ms. McCarron's images or charts perhaps from her report. I believe she's amended it at least once. But the -- this reflects one of her attempts to compare two different, frankly, not comparable data sets -- the time spent data, which is the line on the graph, and then the separate interactions data, which is the likes, comments, video views, et cetera, that Ms. McCarron -- that TikTok separately produced.

And the reason why this is a process issue and her opinions are unreliable under Sargon is because her entire opinion on the inconsistencies in the data is based on how these graphs look to her; right? This is her -- her sanding test.

THE COURT: I wanted to ask you a question. Okay? So I think you've answered my question.

MR. SENTENAC: My apologies.

THE COURT: That's what this purports to be, is a --

MR. SENTENAC: Is a comparison, yes. But it --

THE COURT: If I may -- if I may ask the next question, which is assuming that is accurate, which you may not say it is accurate, it is affected by your Slide No. 3?

MR. SENTENAC: Yes, absolutely.

THE COURT: Why? Why?

MR. SENTENAC: There's a couple reasons.

THE COURT: Okay.

MR. SENTENAC: One, the interactions are not tabulated correctly; right? She's double counted the number on here.

And as our motion also explained, she has -- she has at times double counted or not counted all the time spent data.

And I jumped the gun, but this is a question I was getting to next, which is her entire opinion is based on a visual analysis of these charts. But if you shrink the number of interactions or grow the number of -- the line on the time spent, then that changes. And she hasn't redone these calculations to eliminate duplication, and so these should change. And we don't think they should, and we think that to offer them as they currently exist would be fundamentally unfair and prejudicial.

And I just want to make sure -- well, let me just make sure that answers your question.

THE COURT: Your answer is you need to redo the calculations to eliminate the duplication, and that that is what is wrong in her slide -- in Slide 3; is that correct?

MR. SENTENAC: Correct.

THE COURT: Thank you.

MR. SENTENAC: If I may just briefly respond to a couple things that opposing counsel mentioned. And I want to make sure that my attempt to explain the -- what was shown on our Slide 2 is very clear. It -- it's very simple. It's just data -- user account data that would be logged when --

THE COURT: It's -- it's not clear. So thank you.

MR. SENTENAC: So when a user logs in --

THE COURT: You haven't explained to me how IP session history is the same as video IP and public, private, and deleted videos.

MR. SENTENAC: So opposing counsel tried to characterize this as there should be an exact same number of different types of entries. These are different data types collected, and when a user logs in and views content, certain information is logged. And one of those might be their IP address, for example, which is a unique internet identifier. One of them -- additional information is the video that they saw would be logged, the video ID; right?

And these are different data types that track different information, but they all relate to the exact same interaction, which is the playing of a video. The IP session history is arguably duplicative in and of itself because it -- all it is reflecting is some data, all IP session history. It just is -- it is someone opened the app, someone logged into the app; right? It's no different. And as counsel just represented to you, when you open the app, you automatically see videos. So it's also in and of itself duplicative.

And I think what -- I think what you heard a lot of from my opposing counsel was a lot of speculation and complaints about gotcha games. I'd like to remind the Court and opposing counsel that they sat down with TikTok's PMQ witness for a full day and got to ask them questions about TikTok defendant's user data, and he stated under oath the time zone issue which plaintiff said was never clarified. It's frankly a little bit surprising to hear that argument given the testimony and full day of questioning they had. They had a right to clarify this information.

The last thing I wanted to point out, Your Honor,

is they spent a lot of time comparing the number of interactions during this period of time. This particular chart, since you focused on it, is a good example. This data has -- is different data sources. It covers different time periods. It doesn't always necessarily relate.

And Ms. McCarron did a very apples-and-oranges comparison by saying you have zero time spent but a bunch of time watching videos according to this different data set; right? But that doesn't mean anything given this apples-and-oranges comparison if data wasn't produced for the same time period that other data was produced. They're not making a valid comparison, which is what they would like to do and Ms. McCarron is doing.

So with that, unless you have any further questions, Your Honor.

THE COURT: I have lots of questions. I'm not getting an answer. Thank you very much. It hasn't been explained. I'm sorry. It hasn't been explained.

MR. MANDICH: Your Honor, I could --

THE COURT: I mean, I could perhaps say what I gathered from all of this, which was would you look, please, at -- at the segment that is called "IP Session History." It has a date. Do you see the date? Yes, I see the date.

The date is the time the IP session history began; correct? Defense counsel?

MR. SENTENAC: This is -- that is the time stamp, the start of the session -- the IP session history, yes, Your Honor.

THE COURT: That is the time that the user started a session; correct?

MR. SENTENAC: According to the IP session history, that is -- yes, that is the time stamp for a session.

THE COURT: Stop right there.

All right. It does not indicate the length of the session. It indicates the start of the session; correct?

MR. SENTENAC: Correct. It only includes certain metadata for the session.

THE COURT: Then when it says "public, private, and deleted videos," that is indicative of the identity of the video that was being used at that time; is that correct?

MR. SENTENAC: The public, private, and -- is account data related to a video, correct, a user's video. And it also identifies certain information, including the video, and it provides a link to the video.

THE COURT: Okay. And the video IP -- I don't have an idea what that is or how it's different from public, private, deleted videos. I mean, presumably, the company is interested in how many times a video is viewed, yes?

MR. SENTENAC: Sure.

THE COURT: Okay. So which -- which of these tells the company that? Video IP, public, private, and deleted videos?

MR. SENTENAC: None of these will explain how many times a particular video was played. This is -- this is account data for a particular user, right, a particular plaintiff and is logging a particular user's specific interactions at a very specific time on the TikTok platform; right?

This is a -- this is a user account data as opposed to consolidated or platform-wide data or data about specific videos which plaintiffs have taken discovery on in a different context. This all was produced in the context of plaintiffs' requests for individualized account user data for specific users and specific accounts.

THE COURT: Please, please, if I may. I'm trying to understand your slide. All right? I think I understand what IP session history is.

You're saying that public, private, and deleted videos gives the same time stamp. And what is it -- what information is it providing to your company?

MR. SENTENAC: The public, private, and deleted videos identifies the specific video that a user used, the date and time -- or viewed, the specific data and time of that view and a link.

THE COURT: Good. Okay. What does video IP record?

MR. SENTENAC: It is in connection with the same video, identifies the video, the date, time, and stamp -- the date and time of that video accessed by this particular user and the IP address and country, location. So it's different data related to the same user.

THE COURT: It identifies the video differently.

MR. SENTENAC: Correct.

THE COURT: Okay.

MR. SENTENAC: Yes, correct.

THE COURT: Different identification.

Let's look at video browsing history. Video

browsing history has a date and time. Actually, it has two dates and times; correct?

MR. SENTENAC: So that is two different -- it may have -- the picture above is Ms. McCarron's backup data. There's two examples of browsing history and two events of IP data. So that would be two different videos with a link identifying the video and the date and time for both.

THE COURT: So it has -- those dates and times, are they the same or different? They're the same; correct? You've got them in red.

MR. SENTENAC: They are the same with respect to the video browsing history, the first video browsing history and the first events IP.

THE COURT: I'm trying to understand. Video browsing history consists of four lines, yes? The first two of the lines are in red boxes, and that is -- those are exactly the same; correct?

MR. SENTENAC: No. If you're looking at just the video browsing history box --

THE COURT: And I'm sorry. I'll be honest. I've been having trouble with my eyes, and I -- I can't see that they're the same. Are they the same?

MR. SENTENAC: They are not the same. These are two different video views -- video browsing history events for a particular user on a particular date and time. And the first one is 6:49:13 a.m. UTC on November 20, 2023; the second one is the same day, November 20, 2023 at 6:49:35 a.m. UTC.

THE COURT: Okay. So those are two different times.

Thank you.

And then underneath each red box is something. And what is that?

MR. SENTENAC: That's a hyperlink to the video, the video view.

THE COURT: To the video that they were viewing. Okay. So those are two different -- are they related in any way, just those two? They're not related in any way; right?

MR. SENTENAC: In this example, we provided two.

THE COURT: So then when you go to events IP, the first one in the red box relates to the first one in the red box under video browsing history; correct?

MR. SENTENAC: Exactly.

THE COURT: The second one in the red box under events IP relates to the second one in the video browsing history; correct?

MR. SENTENAC: Exactly.

THE COURT: Okay. Very good. So what information is -- and just to confirm in -- under video browsing history, the red box at the top is the same as the red box at the top in events IP; is that correct?

MR. SENTENAC: Correct.

THE COURT: And, again, I'm sorry. I can't read it. It's small, and I've literally been to two eye doctors in the last ten days.

MR. SENTENAC: I'm sorry.

THE COURT: And the second red box under video browsing history is the same as the events IP second box. Is that the

same?

MR. SENTENAC: Correct.

THE COURT: Okay. So what is the difference between video browsing history definitionally? What is that providing to your company?

MR. SENTENAC: So, again, this is two different data types, tracks two different sources that identify slightly different information. The first one identifies --

THE COURT: What does the first one identify, please, the browsing history?

MR. SENTENAC: The video that was viewed, a link to the video.

THE COURT: A link to the video. Thank you.

Events IP, what information is provided with regard to the red box there?

MR. SENTENAC: The IP address for the event, the event type, which says video play, and country, location. So it's different information related to a video play.

THE COURT: Okay. Okay. Thank you.

MS. MCCONNELL: Your Honor, may I? We would be happy to make Ms. McCarron available for Your Honor's purposes.

THE COURT: Look, I can't take all the depositions that you -- that plaintiffs took of the data PMQs for the companies. Counsel has to come and tell me and represent what -- what these entries are. Because you want me to keep out their expert's interpretation of it, and so I need to know that it's absolutely wrong. Okay? Okay. Thank you.

MS. MCCONNELL: Thank you, Your Honor.

MR. SENTENAC: May I just also offer to submit supplemental briefing?

THE COURT: I don't know. I'll take a look at it in light of these arguments and see what I need to decide. Thank you.

MR. SENTENAC: Thank you.

THE COURT: And I'm sorry. I'm probably more upset about this because of the situation with my eyes. Hopefully, I'll take care of that soon.

Okay. Let's talk about the status conference issues that we have. So we had a posting of September 7 -- well, okay. So this is the issue about the additional material facts and the errata with respect to the issue -- with respect to the additional material facts going back to those summary judgment motions and defendants' desire to bring a motion to strike some part of it or the entire notice of errata or something like that.

Let me just say that having looked at this, everybody having explained as best they can what happened, I am not convinced that -- that defendants did not -- well, that's a double negative. It seems to me that the deadline for objection with respect to those motions was the deadline, and I don't think that defendants were misled sufficiently for me to extend that deadline. If with that tentative you still want to bring a motion, I'll hear it.

MS. SIMONSEN: Thank you, Your Honor. Ashley Simonsen for the Meta defendants.

And this is a motion specific to Meta. There was

nothing in the record to object to, Your Honor, because the plaintiffs failed to put it in the record. And the notion that we were to guess as to what excerpts of these documents they intended to put in the record or the entirety of the documents which was, of course, what they did actually intend to put in the record, and then object and move to seal, I think, is placing the blame on us for an error that really was committed by the plaintiffs.

THE COURT: Well, defendants -- excuse me -- plaintiffs clearly committed an error, it's true. The question is whether you were prejudiced to the extent that you were excused from the deadline. Figure out a briefing schedule for the motion, and I'll hear it.

Okay. Next we have scheduling issues that have been hanging out there. This was a posting of November 6. So you've agreed that Meta's motion to seal as to the proper forum motion for summary judgment errata filings is to be filed November 24, and I'm fine with that.

MS. SIMONSEN: Thank you, Your Honor. That was a date we agreed to, of course, if we are permitted to file a motion to strike and Your Honor's willing to consider that. It does -- the issue is that then we suffer the prejudice from the plaintiffs' filing of voluminous -- you know, 4,000 pages of hard documents.

THE COURT: It was -- they're going to use them at trial anyway, so let's figure out what I'm going to seal. That's my opinion.

MS. SIMONSEN: And I understand that's your view,

Your Honor. Respectfully, the volume of material I don't think would be possible to present at trial. And this is a problem we're facing now in the MDL as well with plaintiffs having filed thousands of our documents in full on the record that could never be presented at trial. And this is precisely the scenario that Overstock says is improper and --

THE COURT: Hang on. 180 -- no -- 209 documents and a bunch of them were depo -- a bunch of them were depos. Okay.

MS. SIMONSEN: Your Honor, it was 4,000 pages, and the vast majority of these documents, all of them were attached in their entirety, not specific excerpts of the relevant material, which is what Overstock says parties are supposed to do on a motion for summary judgment. They're not relevant to the issues we raised on summary judgment, which we can explain in our motion to strike.

The fact that they were late is really not even the issue. It's the fact that this is a clear violation of Overstock, and we'd like the ability to show you --

THE COURT: Okay. You can do that.

I also need to rule on -- I don't think you all understand the volume that we're facing here.

MS. SIMONSEN: I do, Your Honor, and that's why we -- Your Honor should not have to deal with motions to seal 4,000 pages of material, nor should Meta have to incur the burden while we're also trying to move to seal the hundreds of documents filed in connection with the other motions. I assure you, Your Honor, we are trying to be reasonable here.

THE COURT: 200 documents is not many.

MS. SIMONSEN: It's 4,000 pages, Your Honor. And we've got to go line by line to ensure that, for instance, specific employees' names that should be redacted get redacted.

THE COURT: But I've given you the general ruling with regard to employees' name.

MS. SIMONSEN: Understood, Your Honor. But it's still 4,000 pages of material, and we do still have to make sure that there are not trade secrets in those materials.

THE COURT: Well, when are you going to move to seal them?

MS. SIMONSEN: We can move to seal tomorrow, Your Honor. I'm sorry. We can move to strike tomorrow. The motion to seal --

THE COURT: When are you going to move to seal if they stay in?

MS. SIMONSEN: Well, the agreement we reached with plaintiffs was November 24. But if Your Honor cannot rule before then, which I assume you cannot, we would like to move to seal within -- I think we could do it within ten days after Your Honor rules on the motion to strike as to the specific materials Your Honor allows to remain in the record.

THE COURT: Well, at the same time, you're asking me -- everybody's asking me to rule on more motions in limine, which I understand. Okay? So -- to say nothing of the 14 motions on for today, only three of which were argued. I don't know what to say.

MS. SIMONSEN: Your Honor, the motion to seal has to be filed only because plaintiffs put forth 4,000 pages of --

THE COURT: I understand that. But when are we going to -- assume I agree with you -- assume I disagree with you after the motion is heard. When are we going to do the motion to seal?

MS. SIMONSEN: We can file it within ten days after Your Honor rules on the motion to strike.

MR. AUTRY: Your Honor, we oppose that schedule. We think the 24th of November was a generous offer. We don't think that 200 exhibits is outrageous. The other defendants were able to do their motions to seal, and we think Meta should be able to as well.

We would also say that, procedurally, these documents were identified. And even though there was the error with the attachment, Meta made objections to the documents in their response to our summary judgment filing indicating --

THE COURT: You know, I understand the merits of what you're arguing.

MR. AUTRY: But -- but those reasons --

THE COURT: I get it. I'm going to have to let them. We're not in federal court where, you know, Judge Gonzalez Rogers can say, "You're not filing that document. You're not filing that motion." I don't get to do that. You can file it. We'll figure out about the sealing later.

MS. SIMONSEN: Thank you, Your Honor.

THE COURT: But let me tell you, you guys are going to be redacting documents two minutes before trial.

MS. SIMONSEN: Understood completely, Your Honor. Thank you.

THE COURT: We ought to get it done now. Okay? And confer about a briefing schedule. I don't know when I'll be able to hear it.

MS. SIMONSEN: Thank you.

THE COURT: Okay. So you had -- and, again, I'm going on the November 6 filing -- the November 6 posting. So you have a discussion there about the schedule for briefing I.P.'s motions. So, first of all, I do want the motions to seal as to the I.P. motion for summary judgment to be handled according to the Rules of Court -- our California Rules of Court. Okay?

MS. SIMONSEN: Your Honor, I'm sorry. May I?

THE COURT: Yes.

MS. SIMONSEN: We learned from plaintiffs last week that they are intending to file full expert reports with their oppositions to our I.P. motions for summary judgment even though Your Honor specifically directed that this motion for summary judgment be filed early, originally in August, without the need for expert discovery. And so the other thing I want --

THE COURT: Remind me what the issue is on the I.P. motion for summary judgment. I forgot.

MS. SIMONSEN: It is an issue that relates to Section 230 because the case resolves around a photo that was taken of I.P. in the bathroom at school and then distributed, and the harm was allegedly caused by that content and distribution.

THE COURT: Thank you.

MS. SIMONSEN: And, Your Honor, I also just want to say that when we were negotiating with plaintiffs about the

deadline to seal the errata exhibits, they shared with me that they're planning to file nearly all of those 200 documents with their I.P. opposition for motion for summary judgment, and so we're going to have to move to seal all of them.

THE COURT: Figure it out, folks, because I'm not going to hear it until January. Okay? It's -- it's -- you know, it's a priority, but it's not on the critical path, so I'm not going to hear it until January. So if you guys want to -- "you guys" -- I'm sorry. If you all want to renegotiate your schedule, I'm okay with that.

MS. SIMONSEN: And, Your Honor, I think one issue is that we would like to have this motion heard. What the parties have agreed to do is to put off the remainder of fact discovery until after Your Honor rules on the motion. And if we push the hearing date out, that shortens the amount of time left to complete fact discovery.

THE COURT: I can't do it.

MS. SIMONSEN: Understood. Well, I --

THE COURT: I would -- so, look, throughout this litigation, my goal has been to decide as early as possible the issues that you need me to decide. I'm not able to keep up now. I've got you -- your summary judgments ruled on last week. Okay? All ten of those and then I did -- what? -- four previously.

Anyway, just trust me. I would do it if I could. I think it is an important issue. We're going to have to hear it in January if possible.

MR. AUTRY: And on that note, Your Honor, we have some

discovery issues with three of the four defendants. As to I.P., targeted discovery requests related to the summary judgment motions that were filed and related to the photo issue, we have a meet-and-confer with defendants this week.

THE COURT: What do you mean three plaintiffs?

MR. AUTRY: Three defendants.

THE COURT: Three defendants. Okay.

MR. AUTRY: So YouTube fully responded to the discovery requests. The other three responded either -- zero for Meta or partially for TikTok and Snap, and so we need to meet and confer with defendants about that discovery before we can respond to the summary judgment motions. And we're going to meet and confer with them this week, hopefully, today or tomorrow.

THE COURT: So --

MS. SIMONSEN: Your Honor --

THE COURT: Yes?

MS. SIMONSEN: If I may, Your Honor. This is another issue where I don't want to have to take Your Honor through this procedural history, but we had an agreement with plaintiffs about a certain number of discovery requests that they could serve for these plaintiffs, and we believe that this discovery is not proper. It's out of time.

I'll set that to the side. We've agreed to confer with plaintiffs about the discovery. I think that the issues that they're raising are very inconsequential and can probably be resolved within a week and are relevant to the summary judgment motions. But I'm not even sure why Mr. Autry

is raising it because the whole reason we agreed to defer their opposition brief deadline for a week was so that we could confer with them. So I think we can set that --

THE COURT: It's set for November 14. The opposition was set for November, and it was agreed to.

MS. SIMONSEN: That was agreed to.

THE COURT: That was agreed to. Okay. So you know what, here's what we'll do: At your request, the hearing on I.P.'s -- these are plural motions for summary judgment; correct?

MS. MCCONNELL: Yes.

MR. AUTRY: Four motions.

THE COURT: Four motions for summary judgment by defendants as to I.P. currently set on calendar for December 12 are continued to December 16 at the same time as the motions in limine -- at the same time as the motions in limine. We will put it in the minute order. All right?

MS. SIMONSEN: Thank you, Your Honor.

THE COURT: The hearing on the I.P. motions will be December 16.

MS. SIMONSEN: And I hate to bring you back to this, but I believe we started talking about the motion to seal in connection with I.P. We would very much appreciate, Your Honor -- plaintiffs have agreed to follow the sealing stipulation for this motion, and I know Your Honor was frustrated that we did not include page numbers with our first omnibus motion to seal, and that was an oversight for which we deeply apologize because I think it gave Your Honor the

appearance that we were proposing a process that actually is less smooth than the rules. And I assure you it is much easier --

THE COURT: No. I thought you guys -- I thought defendants were seriously disadvantaged by that procedure because I didn't think that you presented your argument -- if you had arguments to seal, I didn't think it presented them very well. And I felt a little bit bad ruling the way I did across the board, but I didn't have the evidence.

MS. SIMONSEN: Well, I appreciate that feedback, Your Honor, and I think we'll take that into account going forward.

I do, with Your Honor having raised that, need to point out one issue that I know Snap's counsel was planning to raise, which is that it appears that there were a couple of motions to seal with that first round of omnibus briefing that did not make their way to Your Honor. And I think we should follow up with Your Honor by a Case Anywhere posting. We're prepared to not move to seal the substantive issues because Your Honor didn't receive them, but that may be why you had the impression that the issues were not advocated --

THE COURT: You mentioned some motions -- a motion to seal filed on a particular date. We looked for them; we didn't find them. And I could have said that to you back in a posting, and I didn't because it was just too much. So if there are things you left behind or you think we missed, particularly -- and let me be honest. If there's something you think we missed, let us know. Okay?

MS. TELLER: You Honor, if I could speak to that just really quickly. Because we're trying to figure out and to do this in a way that inconveniences you the least possible. There was a motion to seal that included some of Snap's information, I think some of YouTube's as well, that was rejected; but we were not notified by the vendor at the time. And when your order came out noting that you did not find, for example, Ms. Lopez's declaration, that's why.

As Ms. Simonsen previewed, we're not seeking to seal the parts that I know that you will not allow to be sealed. But there are employee names in there that I think you would allow us to seal, and so we're trying to figure out the least burdensome way to collect that.

THE COURT: Well, you know, here -- again, we're trying to hold up our end here --

MS. TELLER: Yeah.

THE COURT: -- with two staff and one law clerk, not four like federal court, one. Okay? We're trying to hold up our end. And, you know, when you all have problems with your vendor and ask me to fix it, I would ordinarily try to do that, but it's tough.

MS. TELLER: Understood, Your Honor. Understood.

THE COURT: It's tough. So if you need to try to fix something, confer with opposing counsel, post it on Case Anywhere. Explain the whole thing. I'll -- you know, I'll look at it. I've always looked at stuff that you want me to do.

MS. TELLER: Will do, Your Honor.

THE COURT: I can't do everything.

MS. TELLER: Understood.

MS. SIMONSEN: And we appreciate that, Your Honor.

I do just want to come back to the point that I think that the omnibus sealing procedure is simpler for Your Honor and both sides, which is why, presumably, plaintiffs agreed to it.

THE COURT: Well, but we walked -- but the frustrating thing was we walked through it. I had my staff spend time on it. I had my courtroom staff spend time on it. I had my law clerk spend time on it. The three of us drafted it together, and that wasn't followed.

MS. SIMONSEN: Well, I think there was an issue, Your Honor. And I know we didn't get a chance to talk to Your Honor about this at the last hearing, but what happened was because we were moving to redact employee names that appeared throughout the documents, listing every single page number, we didn't understand that to be something Your Honor would find valuable or useful, knowing especially that under the sealing protocol, once you granted or denied our request, we would --

THE COURT: Let me do this rather than arguing about it. If both sides want the sealing protocol in place again, tell me and tell me how you propose to do it this time.

MS. SIMONSEN: Yes, Your Honor. We propose that within 14 days after the final paper associated with the motion --

THE COURT: If you could put it in a --

MS. SIMONSEN: Oh, yes. Very good. We'll do that,

Your Honor. I apologize.

THE COURT: No, if you could put it in a posting. Please pull out the order that we did last time, and if there is something that you want about it or a summary, let me know.

MS. SIMONSEN: Will do, Your Honor. We'll try to make it even easier. We are trying our hardest. We know we have overwhelmed you, and we're trying, and we will continue to try.

MS. MCCONNELL: Your Honor, from plaintiffs' perspective, I mean, we have now pushed off most of these sealing issues now until, let's call it, December with a January trial date. And we're really reaching a point where the volume of filings that are still currently under seal is massive, and it's only growing larger, especially if we do file this I.P. --

THE COURT: It's a problem, but I will say this, defendants cut it down. I mean --

MS. MCCONNELL: We haven't seen Meta's filing yet.

THE COURT: But with respect to the omnibus -- the omnibus Sargon general causation motions, they definitely cut it back, and I want to empower that. Okay?

MS. MCCONNELL: We do as well. But I don't think that pushing off a decision on those for too long is really the right --

THE COURT: I understand. But, you know, what do you want me to do? Sit down with the calendar right here and say, "Okay. We'll do it here?"

So, look, you know what motions you filed. When do I get the motions to seal on the 14 motions we're hearing today?

MS. SIMONSEN: Those were filed last Friday as were all of the motions to seal regarding the motions in limine. So -- and Your Honor did, of course, already rule on the sealing motions as to the general causation Sargon motions.

THE COURT: Correct.

MS. SIMONSEN: And I believe today is the day that we inform you which documents come unsealed on the public docket. So I don't think it's the case to say that everything's getting pushed off.

We -- Your Honor, unfortunately, you have a lot more now sealing motions before you to decide. And once again, I can assure you we have taken a very limited approach to sealing across the board on those motions.

THE COURT: Well, I credit you -- for the one I saw, I credit you for that, and I don't want to discourage that from happening.

I don't know. Figure something out. Post something. Okay?

MS. SIMONSEN: Thank you.

THE COURT: I'm trying to read these motions for substance. And try to figure out the sealing part. But I would start with the very carefully considered on our part order that we got out after hearing from all of you after we did it and, you know, see if it still works. But you can see from the ruling we made last -- I made last time what we thought was missing. All right?

So assure us that you're going to do that or ask for, specifically, an amendment to those stipulation and orders

so that we know what -- so that we know what we're doing. And, yes, we're getting backed up; but, you know, I haven't set anything for the week after Christmas yet.

So okay. So it's important -- we have a different clerk here today. It's important to say all of the 14 motions on calendar today are under submission.

The motion to seal with respect to these Sargon motions was filed last Friday; is that correct?

MS. SIMONSEN: Yes, Your Honor.

THE COURT: Okay. And do we have a hearing date for that?

MS. SIMONSEN: We do not.

THE COURT: Okay.

MS. SIMONSEN: As far as I know. Unless anyone corrects me, I don't think we have a hearing date for that.

MS. MCCONNELL: And we don't have a hearing date for the motions to seal related to the motions for summary judgement filings for all the other defendants except for Meta. Those motions to seal were filed, I believe, on Tuesday the 4th.

MS. SIMONSEN: In any event, yes, we did file motions to seal as to the summary judgment motions last week as well. It was either Tuesday or Wednesday. So there are three sets of omnibus motions before Your Honor to seal on the motions for summary judgment -- the nongeneral causation Sargon motions and the motions in limine.

MS. MCCONNELL: Yes.

THE COURT: Okay. I'm not going to worry about the motions in limine until we hear them. So -- and, indeed, you

need the backup. And notice those for the date when the motions in limine are heard. Okay?

MS. SIMONSEN: We will.

THE COURT: Take care of that.

So let me ask this: Are the motions to seal with regard to the MSJs that I've decided, are those going to be argued -- submitted without argument?

MS. MCCONNELL: Presumably, yes. We haven't filed our oppositions yet. Our deadline has not past. We do intend to oppose some of what defendants have asked for.

THE COURT: Okay. Well, figure out when you want to have it heard, then. I mean, I need -- for now, file things with a hearing date.

MS. SIMONSEN: Understood, Your Honor. I believe defendants would be prepared to submit our argument sealing motions on the papers and without argument. The sealing --

THE COURT: Well, that's fine. But as long as I've got -- I mean, unless everybody was agreeing, I would set a hearing date even if everybody submits without argument. There should always be a hearing date on a motion.

MS. MCCONNELL: Understood.

THE COURT: So --

MS. MCCONNELL: I think we would also be prepared to submit without argument, but we should have a date.

THE COURT: Okay. Well, let's have stip and proposed order that says, "Okay. Here's these motions to seal. Here's when the oppositions are coming in; and, you know, they're set for the same date as the motions in limine," perhaps, or "Both

sides waive argument, and they're deemed under submission when the opposition is filed." We need something like that.

Ms. Miro, do you want to weigh in?

THE COURTROOM ASSISTANT: I'm sorry?

THE COURT: Do you want to weigh in on this? No?

THE COURTROOM ASSISTANT: Well, first of all, don't leave when we're done.

Regarding the December 12 date, we also have an OSC re dismissal why plaintiffs' claims should not be dismissed and a hearing regarding Trial Pool No. 1 jury instructions. Are we keeping that on the 12th, or do you want to move it to the 16th?

MS. SIMONSEN: I would keep on the 12th what we have on the 12th. I think we moved the I.P. summary judgment hearing date to the 16th just to allow for the adjustment to the briefing schedule, but we think it makes sense to still hear --

THE COURT: And those are all the motions in limine date.

MS. SIMONSEN: The 16th, correct.

THE COURT: Everything on the 12th stays on the 12th.

THE COURTROOM ASSISTANT: Other than the MSJs?

MS. MCCONNELL: Right.

THE COURT: Correct, yeah.

John, did you have something?

THE CLERK: No. I'm just taking it in, Your Honor.

I do have a question. The four MSJs on the 12th, all four we're moving to the 16th?

THE COURT: Yes. Thank you. Very good question. Okay.

MR. AUTRY: Your Honor, on the I.P. which we've set for

the 16th -- and the only reason I brought up the meet-and-confer that's forthcoming on the discovery issues is it could potentially affect when we can file our opposition. So if we can meet and confer and resolve those discovery issues like --

THE COURT: You agreed to the 14th. I'm leaving it there. Okay? You agreed to the 14th. I'm leaving it there.

MR. AUTRY: Your Honor, we --

THE COURT: I heard what you said, and I've set it when I set it because that's what you all agreed to. Hopefully, you can take care of everything.

Okay. Very good. Plaintiffs' liaison counsel to give notice. All right. Thank you very much.

(Proceedings concluded at 4:17 p.m.)

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT SSC 12 HON. CAROLYN B. KUHL, JUDGE

COORDINATION PROCEEDING SPECIAL TITLE [RULE 3.400]	CASE NO. JCCP5255
SOCIAL MEDIA CASES	REPORTER'S CERTIFICATE

I, ESTRELLA HERMAN, OFFICIAL PRO TEM REPORTER OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT THE FOREGOING PAGES, 5 THROUGH 73, COMPRISE A TRUE AND CORRECT TRANSCRIPT OF THE PROCEEDINGS TAKEN IN THE ABOVE-ENTITLED MATTER REPORTED BY ME ON NOVEMBER 10, 2025.

DATED: NOVEMBER 13, 2025

ESTRELLA HERMAN, CSR
OFFICIAL PRO TEM COURT REPORTER
CSR NO. 13865

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